

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT JACKSON,)
)
Plaintiff,) C.A. No. 06-1537
)
VS.)
)
MUNICIPALITY OF)
MONROEVILLE, et al.,)
)
Defendants.)

MEMORANDUM ORDER

In this civil action, Plaintiff complains of several alleged constitutional and statutory violations, and tortious acts, stemming from, inter alia, Plaintiff's altercation with Defendant Gosnell, and subsequent criminal proceedings against Plaintiff. Defendants have filed a Motion to Dismiss (Docket No. 39), and a Motion to Dismiss in the nature of a Motion for Summary Judgment (Docket No. 42)), on grounds that Plaintiff's allegations are legally and factually insufficient. Plaintiff, who is acting pro se, was directed to respond to the Motion by July 20, 2007, and did not do so; he was then provided an additional opportunity to respond by August 1, 2007, and again did not do so.

A Rule 12(b)(6) Motion to Dismiss requires factual allegations sufficient to raise a right to relief above the speculative level; dismissal is proper when the allegations in a complaint, "however true, could not raise a claim of entitlement to relief." Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1965-66, __ U.S. __, 157 L.Ed. 2d 927 (2007). In addition, summary judgment shall be granted if the

pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). I have considered the Motions under applicable standards, and as required by Stackhouse v. Mazurkiewicz, 951 F.2d 29 (3d Cir. 1991).

AND NOW, this 8th day of August, 2007, upon consideration of Defendants' Motions (Docket Nos. [39] and [42]), it is hereby ORDERED, adjudged, and DECREED that the Motions are GRANTED.



Donetta W. Ambrose
Chief United States District Judge